

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EVEREADY BATTERY CO., INC.,)
)
Plaintiff,)
v.) CASE NO. 4:10-CV-01055-CEJ
)
CB DISTRIBUTORS, INC., ET AL.) **JURY TRIAL DEMANDED**
)
Defendants.)

MOTION FOR LEAVE TO FILE UNDER SEAL

Plaintiff Eveready Battery Company, Inc. (“Eveready”) respectfully requests leave of this Court to file its Opposition to CB’s Motion for Attorney Fees and Expenses under seal. In support of this motion, Eveready states as follows:

1. CB filed its Motion for Attorney Fees and Expenses (d/e 46) (“motion for fees”) under seal because CB alleges that it contains confidential information.
2. Because Eveready’s opposition cites information from CB’s motion for fees, in an abundance of caution, Eveready requests that its opposition be filed under seal.

WHEREFORE, Eveready respectfully requests that the Court grant Eveready leave to file its Opposition to CB’s Motion for Attorney Fees and Expenses under seal, and for such other and further relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

THOMPSON COBURN LLP

By:/s/ Matthew A. Braunel

Steven E. Garlock, #3184

David B. Jinkins, #87078

Matthew A. Braunel, #109915

Pamela M. Miller, #535838

One US Bank Plaza

St. Louis, MO 63101

(314) 552-6000

(314) 552-7000 (fax)

*Attorneys for Plaintiff
Eveready Battery Co., Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2010, a true and correct copy of the foregoing was served via the Court's Electronic Filing System upon the following:

Gerard T. Noce
HeplerBroom LLC
800 Market Street
Suite 2300
St. Louis, MO 63101

Attorneys for Defendants

By:/s/ Matthew A. Braunel _____